

ITEM:

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SUBJECT:

CRV Enterprises, Inc, Gold Creek Estates, Calaveras County –

BOARD ACTION:

Consideration of Administrative Civil Liability Order

BACKGROUND:

CRV Enterprises, Inc., (hereafter the Discharger) is the owner and developer of a construction project known as Gold Creek Estates. The project is on the east side of Highway 26, one mile south of Valley Springs in Calaveras County. The site is being developed into residential homes. Storm water runoff from the site discharges to Cosgrove Creek, which is a tributary to the Calaveras River.

In May of 2003, the Discharger filed a Notice of Intent to comply with the General Permit for Storm Water Discharges Associated with Construction Activities. Regional Board staff first became aware of problems on the site following a citizen complaint. On 13 January 2005, staff responded to the complaint and found discharges of both storm water and non-storm water in violation of the General Permit. Staff issued a Notice of Violation on 21 January 2005 for: (1) failure to implement an effective combination of sediment and erosion control BMPs; and (2) threatened pollution due to the discharge of non-storm water, observed as a grey to white liquid. Both discharges entered the storm drain system, which discharges directly into Cosgrove Creek.

On 16 February 2005 a follow-up inspection was conducted during a rain event, and significant storm water management problems were observed on the upper half of the project. At the time of the inspection a significant amount of sediment laden storm water was observed flowing into the storm drain system from a large on-site detention basin. A Notice of Violation was issued on 23 February 2005 for failure to implement an effective combination of sediment and erosion control BMPs and for the discharge of sediment laden storm water into the storm drain system. On 19 March 2005, an additional follow-up inspection was conducted prior to a rain event. The inspection identified significant storm water management problems including sediment on the roadway within the production areas, poor housekeeping and a poorly maintained concrete washout area.

ISSUES:

Did the Discharger violate the requirements of the General Storm Water Permit for Construction Activities? Staff inspections found continuing violations of the General Permit through the rainy season of 2005. Is the proposed Administrative Civil Liability Order sufficient to recover Regional Board staff costs and the economic advantage that the Discharger obtained by failing to comply with the General Permit? The proposed Order will recover the economic benefit obtained by failing to comply with the General Permit.

RECOMMENDATION:

Adopt the proposed order.

Mgmt. Review _____
Legal Review _____

15/16 September 2005
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